

A resolution authorizing the reconveyance to H. Bechtold of a portion of that certain property bought as a dumping ground, which resolution appears in full below, was introduced:

RESOLUTION.

WHEREAS, The Board of Trustees of the City of Lodi, did, by unanimous vote, pass a certain resolution dated March 15, 1915, authorizing the purchase of land from one H. Bechtold, to be used as a dumping ground by the City of Lodi; and

WHEREAS, That part of the said resolution describing said property was drawn up pursuant to the terms of a certain option made and executed by the said H. Bechtold to the City of Lodi, and filed with the Board of Trustees of the City of Lodi March 8, 1915; and

WHEREAS, It was the intention of the Board of Trustees of the City of Lodi to buy two acres of land, more or less, from H. Bechtold, and it was also the intention of H. Bechtold to sell two acres of land, more or less, to the City of Lodi, and pursuant to these intentions, and for the purpose of incorporating the description of such property into the option hereinafter mentioned, said parties did, prior to the passing of said resolution, roughly measure such property, which description is set out in that certain option executed by H. Bechtold to the City of Lodi, filed March 8, 1915, with the Board of Trustees of the City of Lodi; and

WHEREAS, subsequently to the passing of said resolution, authorizing the purchase of land as aforesaid, the said property was accurately surveyed by the City engineer of the City of Lodi; and

WHEREAS, It was found that such property described in said option contained 3.6 acres, more or less; and

WHEREAS, the said H. Bechtold thereupon refused to convey as much land as was described in said option, and any greater amount than 2.8 acres, on the ground that said option described more property than he intended to convey, and on the further ground that by mutual mistake the amount of land described in said option was one acre in excess of the amount intended to be included therein; and

WHEREAS, The Board of Trustees, not caring to involve the City of Lodi in litigation, and it being absolutely necessary that the City of Lodi should secure a dumping ground at said time without delay, and deeming it just, fair and equitable, and for the benefit of the City of Lodi, and in accordance with the intentions of the parties, a majority of said Board of Trustees promised said H. Bechtold that the City of Lodi would reconvey to said H. Bechtold all the property described in said option over and above 2.8 acres, if he, the said H. Bechtold, would immediately give the City of Lodi possession of said property as aforesaid, and deliver to said City a good and sufficient deed therefor; and

WHEREAS, Pursuant to said agreement, said H. Bechtold con-

veyed all the property described in said option to the City of Lodi, and gave said City possession thereof; now therefore

BE IT RESOLVED, That the City of Lodi reconvey to H. Bechtold that certain lot, piece or parcel of land situated in the County of San Joaquin, State of California, and particularly described as follows, to-wit:-

Starting at a point 1019 feet north of the southern boundary of Section 36, T. 4 N. R. 6 E. M. D. B. & M., and located on a parallel 200 feet east of the east line of the S. P. R. R.'s right of way; running thence east 119 feet to the intersection of such course with the south bank of the Mokelumne River; thence following the meanders of said river on a northerly direction to the intersection of the above mentioned parallel with the south bank of said river; thence on a course south $3^{\circ}44'$ E. along said parallel to the R. R.'s right of way 480 feet more or less to the point of beginning, containing one acre, more or less; and be it further

RESOLVED, By the Board of Trustees of the City of Lodi, that the President and the Clerk of the Board of Trustees of the City of Lodi be and they are hereby authorized and directed, in the name under the seal and on behalf of this Board of Trustees of the City of Lodi, to quitclaim and set over unto H. Bechtold the real property hereinbefore described.

Trustee Black moved the adoption of the above resolution, seconded by Trustee Keeney. The motion to adopt was carried by the following vote: Ayes--Trustees Black, Keeney, Folendorf and Hale. Nays--Trustee Deaver. Absent--None.

Upon motion the Board adjourned to meet again Monday, June 14, 1915, at 8:00 p. m.

Attest:

W. L. Clark
City Clerk.